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11/30/2004 LAW OFFICES OF ALBERT S MICHALIK PPLC 704-228TH AVENUE NE SUITE 193 SAMMAMISH, WA 98074			EXAMINER	
			MAHMOUDI, HASSAN	
			ART UNIT	PAPER NUMBER
			2165	
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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/651,406	MONBERG ET AL.			
		Examiner	Art Unit			
		Tony Mahmoudi	2165			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet w	th the correspondence address			
THE - External after - If the - If NO - Failu Any I	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing end patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a r within the statutory minimum of thir rill apply and will expire SIX (6) MON cause the application to become AE	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).			
Status						
1)	Responsive to communication(s) filed on 17 Au	<u>ıgust 2004</u> .				
2a)⊠	This action is FINAL . 2b) This action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims		·			
5)□ 6)⊠	 Claim(s) 1-29 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. □ Claim(s) is/are allowed. □ Claim(s) 1-29 is/are rejected. 					
	Claim(s) are subject to restriction and/or	election requirement.	·			
Applicati	on Papers		6			
10)□	The specification is objected to by the Examiner The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the o Replacement drawing sheet(s) including the correcti The oath or declaration is objected to by the Ex	epted or b) objected to drawing(s) be held in abeyar on is required if the drawing	nce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
- 8	see the attached detailed Office action for a list (or the certified copies not	Sould			
Attachmen	tic)		SAM RIMELL PRIMARY EXAMINE			
2) Notic 3) Inforr	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152)			

DETAILED ACTION

Remarks

1. In response to the preliminary amendments filed on 17-August-2004, claims 1-29 are presently pending in the application.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 15-19, 24-25, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Dunworth et al</u> (U.S. patent No. 5,930,474) in view of <u>Getchius et al</u> (U.S. Patent No. 6,408,294.)

As to claim 15, <u>Dunworth et al</u> teaches a method in a computer system (see column 2, lines 49-52), comprising:

submitting a search query directed to businesses, the search query including a designation of a region (see column 14, lines 14-27);

receiving a business listing in response to the search query, the business listing being associated with a merchant that provides service to the region (see column 9, line 55 through column 10, line 6); and

receiving, along with the business listing, information regarding the fact that the merchant services the region (see column 5, lines 40-65, where "customization of the topical information" is taught, and see figures 11 and 15. Also see column 19, lines 64-67, where "graphical image" is taught, and see figure 9.)

<u>Dunworth et al</u> does not teach where a merchant does not have a physical location in the region.

Getchius et al teaches a method and system for performing online data queries, in which he teaches a merchant not having a physical location in the region (see column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual business".)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> to include a merchant that does not have a physical location in the region.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> by the teaching of <u>Getchius et al</u>, because including a merchant that does not have a physical location in the region, would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, "AMAZON.COM", without AMAZON's having to be physically present in the region

the search is initiated from and/or the goods/services are delivered to. Another example, as used by Getchius et al is business like "florists" and "airlines", which service all regions of the nation without necessarily having a physical location in each region (see column 30, lines 41-60.)

As to claim 16, <u>Dunworth et al</u> as modified teaches the method further comprising displaying the information along with the business listing (see <u>Dunworth et al</u>, figures 9, 11, and 15.)

As to claim 17, <u>Dunworth et al</u> as modified teaches wherein the information comprises text (see <u>Dunworth et al</u>, column 5, lines 40-65, where "customization of the topical information" is taught, and see figures 11 and 15.)

As to claim 18, <u>Dunworth et al</u> as modified teaches wherein the information comprises text and a glyph (see <u>Dunworth et al</u>, figures 9, 11, and 15.)

As to claim 19, <u>Dunworth et al</u> as modified teaches wherein the information comprises a glyph (see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is read on "graphical image", and see figure 9.)

As to claim 24, <u>Dunworth et al</u> as modified teaches a computer readable medium having computer executable instructions for performing the method of claim 15 (see <u>Dunworth et al</u>,

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Abstract, and see figures 1, 2, 2A-2C, where software interface and computer networks for the invention are mentioned/depicted. It is inherent that "computer systems" and "software interfaces" are implemented on computer-readable mediums having computer executable instructions for performing their tasks.)

As to claim 25, <u>Dunworth et al</u> teaches in a computer system, a method (see column 2, lines 49-51) comprising:

receiving a request (see column 3, lines 1-2) for a merchant within a particular region (see column 5, lines 22-24, and see figure 15);

searching a database (see column 3, lines 2-8) containing information associated with merchants located within the region (see column 8, lines 37-44, and see column 24, lines 28-39, where "yellow pages" database is explained, and see column 37, lines 36-65); and returning information regarding the merchants within the region (see column 16, lines 17-26, where "merchant" is read on "the specified value".)

For the teachings of: "returning information regarding merchants outside the region, the information regarding merchants outside the region indicating that the merchant provides services to the region but does not have a physical location in the region", the applicant is kindly directed to the remarks and discussions made in claim 1 above.

As to claim 28, <u>Dunworth et al</u> as modified teaches the method further comprising returning a glyph associated with the information regarding each merchant outside the region

(see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is read on "graphical image", and see figure 9.)

As to claim 29, <u>Dunworth et al</u> as modified teaches a computer-readable medium having computer-executable instructions (see <u>Dunworth et al</u>, Abstract, and see figures 1, 2, 2A-2C, where software interface and computer networks for the invention are mentioned/depicted. It is inherent that "computer systems" and "software interfaces" are implemented on computer-readable mediums having computer executable instructions for performing their tasks) for performing the method of claim 25 (applicant is directed to remarks and discussions made in claim 25 above.)

4. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Dunworth</u> et al (U.S. patent No. 5,930,474) in view of <u>Getchius et al</u> (U.S. Patent No. 6,408,294), as applied to claims 15-19, 24-25, and 28-29 above, and further in view of <u>Burton et al</u> (U.S. Publication No. 20020055878A1.)

As to claim 26, <u>Dunworth et al</u> as modified, still does not teach maintaining location binding information associating a merchant outside the region with a particular region.

Burton et al teaches method an apparatus for Online ordering (see Abstract), in which he teaches maintaining location binding information (see paragraphs 19 and 20, where "location binding information" is read on "geodetic zone") associating a merchant outside the region

with a particular region (see paragraph 20, where "suppliers associated with a zone" is discussed, also see paragraph 221.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, to include maintaining location binding information associating a merchant outside the region with a particular region.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, by the teachings of <u>Burton et al</u>, because maintaining location binding information associating a merchant outside the region with a particular region, would enable the system to select prospective suppliers for a user in a given geographical location, as taught by <u>Burton et al</u> (see paragraph 19.)

As to claim 27, <u>Dunworth et al</u> as modified, teaches wherein maintaining location binding information (see <u>Burton et al</u>, paragraphs 19 and 20, where "location binding information" is read on "geodetic zone") comprises writing an entry into a database including information about the particular region (see <u>Dunworth et al</u>, column 8, line 59 through column 9, line 4, and see figure 12) and information about the merchant (see <u>Dunworth et al</u>, column 9, lines 55-67, where "merchant" is read on "business", and see figure 18.)

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5. Claims 1-14 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

<u>Dunworth et al</u> (U.S. patent No. 5,930,474) in view of <u>Burton et al</u> (U.S. Publication No. 20020055878A1), and further in view of <u>Getchius et al</u> (U.S. Patent No. 6,408,294.)

As to claim 1, <u>Dunworth et al</u> teaches in a computer system, a method (see column 2, lines 49-51) comprising:

receiving a request (see column 3, lines 1-2) directed to a particular region (see column 5, lines 22-24, and see figure 15);

searching the information (see column 2, lines 54-58) associated with the merchant (see column 2, line 63 through column 3, line 14) to determine if the particular region matches at least one of the listed regions (see column 15, lines 23-25), and if so, returning information regarding the merchant (see column 16, lines 17-26, where "merchant" is read on "the specified value".)

<u>Dunworth et al</u> does not teach maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service.

Burton et al teaches method an apparatus for Online ordering (see Abstract), in which he teaches maintaining location binding information (see paragraphs 19 and 20, where "location binding information" is read on "geodetic zone"), associating a merchant with a plurality of listed regions (see paragraph 20, where "suppliers associated with a zone" is discussed, also see paragraph 221), including at least one listed region in which the merchant provides service (see paragraph 20, where "suppliers may offer delivery service to some, all, or none the zones" is discussed. Also see paragraphs 355 and 363.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> to include maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> by the teachings of <u>Burton et al</u>, because maintaining location binding information associating a merchant with a plurality of listed regions, including at least one listed region in which the merchant provides service, would enable the system to select prospective suppliers for a user in a given geographical location, as taught by <u>Burton et al</u> (see paragraph 19.)

<u>Dunworth et al</u> as modified still does not teach the merchant that does not include a physical location.

Getchius et al teaches a method and system for performing online data queries, in which he teaches the merchant that does not include a physical location (see column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual business", and see column 30, lines 41-60, where "florists" and "airlines" are listed as examples of business servicing areas in which they do not have a physical location".)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified to include the merchant that does not include a physical location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, by the teaching of

Getchius et al, because associating which the merchant that does not include a physical location would enable the user to obtain information about a business or a merchant who provides goods or services to the area but does not have a physical presence in that region. For example, it would make it possible to perform a search on, and obtain information about merchandise seller, "AMAZON.COM", without AMAZON's having to be physically present in the region the search is initiated from and/or the goods/services are delivered to. Another example, as used by Getchius et al is business like "florists" and "airlines", which service all regions of the nation without necessarily having a physical location in each region (see column 30, lines 41-60.)

As to claim 2, <u>Dunworth et al</u> as modified teaches wherein maintaining the location binding information (see <u>Burton et al</u>, paragraphs 19 and 20, where "location binding information" is read on "geodetic zone") comprises writing an entry into a database including information about each listed region (see <u>Dunworth et al</u>, column 8, line 59 through column 9, line 4, and see figure 12) and information about the merchant (see <u>Dunworth et al</u>, column 9, lines 55-67, where "merchant" is read on "business", and see figure 18.)

As to claim 3, <u>Dunworth et al</u> as modified teaches the method further comprising returning additional information regarding the merchant (see <u>Dunworth et al</u>, column 3, lines 45-54, and see figure 11.)

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As to claim 4, <u>Dunworth et al</u> as modified teaches wherein the additional information comprises text (see <u>Dunworth et al</u>, column 10, lines 16-28, and see column 19, lines 40-42.)

As to claim 5, <u>Dunworth et al</u> as modified teaches wherein the additional information comprises a glyph (see <u>Dunworth et al</u>, column 8, lines 25-30, and see column 10, lines 23-28, where "glyph" is read on "graphical image" and "graphical display".)

As to claim 6, <u>Dunworth et al</u> as modified teaches a computer-readable medium having computer executable instructions for performing the method (see <u>Dunworth et al</u>, Abstract, and see figures 1, 2, 2A-2C, where software interface and computer networks for the invention are mentioned/depicted. It is inherent that "computer systems" and "software interfaces" are implemented on computer-readable mediums having computer executable instructions for performing their tasks. For the remaining teachings of this claim, the applicant is kindly directed to the remarks and discussions made in claim 1 above.)

As to claim 7, <u>Dunworth et al</u> as modified teaches wherein the plurality of listed regions (see figure 12) comprises at least one ZIP code (see <u>Dunworth et al</u>, column 24, lines 28-39, and see figure 17.)

As to claim 8, <u>Dunworth et al</u> teaches a computer-readable medium having stored thereon a data structure (see column 4, line 66 through column 5, line 2), comprising:

a first data field (see column 18, lines 55-59, where "data fields" is read on "each of the databases described") containing data representing information about a merchant (see column 24, lines 28-39, where "yellow pages" database is explained, and see column 37, lines 36-65); and

a second data field associated with the first data field (see column 18, lines 55-59, where "data fields" is read on "each of the databases described")

such that a search request (see column 3, lines 1-2) seeking a merchant that services a particular region is compared to the second data field to determine from the data therein whether the merchant represented in the first data field services that particular region (see column 3, lines 6-14), and if so, at least some of the information about the merchant contained in the first data field may be returned in response to the search request (see column 16, lines 17-26, where "merchant" is read on "the specified value".)

For the teaching of "containing location binding data representing a region in which the merchant provides service", the applicant is directed to the remarks and discussions made for this teaching by <u>Burton et al</u>, in claim 1 above.)

For the teaching of "a region in which the merchant does not include a physical location", the applicant is directed to the remarks and discussions made for this teaching by <u>Getchius et al</u>, in claim 1 above.)

As to claim 9, <u>Dunworth et al</u> as modified teaches the structure further comprising a third data field, associated with the first data field (see <u>Dunworth et al</u>, column 18, lines 55-59, where "data fields" is read on "each of the databases described"), and including additional

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information regarding the merchant (see <u>Dunworth et al</u>, column 10, lines 16-18) but not having a physical location in the region (see <u>Getchius et al</u>, column 18, lines 1-7, where "the merchant not having a physical location in the region" is read on "virtual business".)

As to claim 10, <u>Dunworth et al</u> as modified teaches wherein the third data field comprises text that indicates that the merchant provides service to the region but does not have a physical location in the region (see <u>Dunworth et al</u>, column 5, lines 40-65, where "customization of the topical information" is taught.)

As to claim 11, <u>Dunworth et al</u> as modified teaches wherein the third data field comprises a glyph that indicates that the merchant provides service to the region but does not have a physical location in the region (see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is read on "graphical image", and see figure 9.)

As to claim 12, <u>Dunworth et al</u> teaches a computer-readable medium having stored thereon a data structure (see column 4, line 66 through column 5, line 2), comprising:

a first data field (see column 18, lines 55-59, where "data fields" is read on "each of the databases described") containing data representing information about a merchant (see column 24, lines 28-39, where "yellow pages" database is explained, and see column 37, lines 36-65);

a second data field associated with the first data field (see column 18, lines 55-59, where "data fields" is read on "each of the databases described") and containing data representing

information regarding the merchant providing service to a region (see column 24, lines 28-39, where "yellow pages" database is explained, and see column 37, lines 36-65); and a third data field associated with the first data field;

such that a search request (see column 3, lines 1-2) seeking a merchant that services a particular region is compared to the third data field to determine from the location binding data therein whether the merchant represented in the first data field services that particular region (see column 3, lines 6-14), and if so, at least some of the information about the merchant contained in the second data field may be returned in response to the search request (see column 16, lines 17-26, where "merchant" is read on "the specified value".)

For the teaching of "containing location binding data representing a region in which the merchant provides service", the applicant is directed to the remarks and discussions made for this teaching by <u>Burton et al</u>, in claim 1 above.)

For the teaching of "a region in which the merchant does not include a physical location", the applicant is directed to the remarks and discussions made for this teaching by <u>Getchius et al</u>, in claim 1 above.)

As to claim 13, <u>Dunworth et al</u> as modified teaches wherein the second data field comprises text that indicates that the merchant provides service to the region (see <u>Dunworth et al</u>, column 5, lines 40-65, where "customization of the topical information" is taught, and see figures 11 and 15) but does not have a physical location in the region (see <u>Getchius et al</u>, column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual business".)

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As to claim 14, <u>Dunworth et al</u> as modified teaches wherein the second data field comprises a glyph that indicates that the merchant provides service to the region but does not have a physical location in the region (see <u>Dunworth et al</u>, column 19, lines 64-67, where "glyph" is read on "graphical image", and see figure 9.)

As to claim 20, <u>Dunworth et al</u> teaches a computer system (see column 2, lines 49-52) comprising:

a data store (see Abstract);

data entry tools for entering the information in the data store (see column 3, lines 1-8, where the "organizer comprises a database". It is inherent for databases to have data entry tools for obtaining the data for storage.)

For the teaching of "maintaining location binding information for merchants that provide service to a region", the applicant is directed to the remarks and discussions made for this teaching by <u>Burton et al</u>, in claim 1 above.)

For the teaching of "merchants that do not include a physical location in the region", the applicant is directed to the remarks and discussions made for this teaching by <u>Getchius et al</u>, in claim 1 above.)

<u>Dunworth et al</u> as modified, still does not teach an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

Getchius et al also teaches an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools (see column 28, lines

26-28, and see column 58, lines 33-49, where "database preparations" and "validity" of database updates are taught.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, to include an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Dunworth et al</u> as modified, by the further teaching of <u>Getchius et al</u>, because including an application programming interface for ensuring that the information is stored with each merchant entered by the data entry tools, would allow the user to verify the data entered for each merchant and would further verify and validate database updates to ensure accurate merchant/business information is displayed to the users.

As to claim 21, <u>Dunworth et al</u> as modified teaches wherein the application programming interface (see <u>Getchius et al</u>, column 26, lines 26-28) includes rules that require each merchant in the data store to be identified as one of a mobile, territorial, or delivery type merchant (see <u>Getchius et al</u>, column 14, lines 3-8, where "identifying merchant in the data store" is read on "tags identifying key data items for each business", and see column 28, lines 33-58, where "rule" is read on "mapping a string corresponding to a query name", and identifying merchant in the data store" is read on "type of business service".)

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As to claim 22, <u>Dunworth et al</u> as modified teaches wherein the application programming interface (see <u>Getchius et al</u>, column 26, lines 26-28) include rules that specify whether each merchant identified in the data store requires an associated glyph (see <u>Getchius et al</u>, figure 15, and see column 55, lines 10-17, where "glyph" is read on "multimedia blob data, such graphics, video, audio, job applets".)

As to claim 23, <u>Dunworth et al</u> as modified teaches wherein the application programming interface (see <u>Getchius et al</u>, column 26, lines 26-28) includes rules that specify whether each merchant identified in the data store requires an associated text (see <u>Getchius et al</u>, figure 15, and see column 55, lines 10-17, where "associated text" is read on "structured textual information, such as business name and address".)

Response to Arguments

6. Applicant's arguments filed on 17-August-2004 with respect to the rejected claims in view of the cited references have been fully considered but are not deemed persuasive:

In response to the applicant's arguments that "nowhere does Burton teach maintaining location binding information associating a merchant with a plurality of listed regions including at least one listed region in which the merchant provides service and in which the merchant does not include a physical location", the arguments have been fully considered but are not deemed persuasive, because <u>Burton et al</u> teaches "A geographic region surrounding or

including a user's location may be determined and suppliers located inside the region may be presented to the user" (see paragraph 19), and he teaches "Some embodiments may identify a user within a geodetic zone including the user's location, and present the user with a preprocessed list of suppliers that are associated with the zone" (see paragraph 20.) Further, the "merchant provides service and in which the merchant does not include a physical location" is taught by Getchius et al (see column 18, lines 1-7, where "the merchant not having a physical location" is read on "virtual business", and see column 30, lines 41-60, where "florists" and "airlines" are listed as examples of business servicing areas in which they do not have a physical location".)

In response to the applicant's arguments that "the office action surprisingly omits part of the claim language, namely 'and in which the merchant does not include a physical location' and proceeds to content that Burton teaches such a modified claim", the arguments have been fully considered but are not deemed persuasive, because the examiner is relying on <u>Burton et al</u> 's teaching of "maintaining location binding information" and "merchants servicing regions where the merchant has a physical location". The noted "omission" of the claim language was to avoid indicating that that segment of the claim was also taught by <u>Burton et al</u>. As the examiner detailed in claim 1, the teaching of "merchants not including a physical location" is taught by the third reference, <u>Getchius et al</u>, where "virtual business" is taught, providing "florists" and "airlines" as examples of merchants providing services even in areas where they do not necessarily have a physical presence/location (see column 18, lines 1-7, and see column 30, lines 41-60, respectively.)

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In response to the applicant's arguments that "the office action does not provide proper motivation for modifying Dunworth and/or combining the references", the arguments have been fully considered but are not deemed persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

tm

November 15, 2004

SAM RIMELL
PRIMARY EXAMINER